

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See form PCT/ISA/210**
(day/month/year)

Applicant's or agent's file reference
40orr/129297

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/010797

International filing date (day/month/year)
25.09.2004

Priority date (day/month/year)
11.12.2003

International Patent Classification (IPC) or both national classification and IPC
B64D11/06, B60N3/00

Applicant
RECARO AIRCRAFT SEATING GMBH & CO. KG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/010797

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____ which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/010797

Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/010797

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	6, 10	YES
	Claims	1-5, 7, 8, 9	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations:

In the present opinion, reference is made to the following documents:

D1: DE 101 32 282 A (DEUTSCHE LUFTHANSA) 16 January 2003
(2003-01-16)

D2: US 4 944 552 A (HARRIS DAVID S) 31 July 1990
(1990-07-31)

1 INDEPENDENT CLAIM 1

1.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).

1.1.1 Document D1 is considered to be the closest prior art in relation to the subject matter of claim 1. The description of claim 1 is delimited from said document; the features of the preamble are known from D1 (see D1, paragraphs [0006], [0009] and [0017]). Said document therefore discloses the use of a table

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/010797

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

surface which can be recessed into a console forming an armrest.

1.1.2

The subject matter of claim 1 therefore differs from D1 only in the embodiment of the table-surface folding mechanism which is described in the characterizing part of the claim. In actual fact, document D1 does not describe any details in relation to this mechanism; said document is thus based on such devices being known to a person skilled in the art. Based on the teaching of D1, which describes the additional use of the table as a separating element, a person skilled in the art would thus use the known stowage devices of such table elements for detailed configuration. He or she will ensure here, according to the teaching from D1, an intermediate position when the table is extended, this intermediate position separating off the aircraft passenger seat to the side in order to improve the amount of space available to the individual passenger. A mechanism which fulfils these conditions is known, for example, from D2. Said document presents all the features of the characterizing part of the claim:

- the adjusting mechanism (10) has, as a support for the tray (16), an arm (40) which is connected to the console (12) such that it can be pivoted about a first axis (44) and a second axis (60), which encloses a right angle with the first axis,

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/010797

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- the first axis is arranged in a stationary manner on the console,
- the tray is mounted at the associated end of the arm such that it can be displaced in the direction of the second axis (column 2, lines 54-65; figure 3).

The solution which is proposed in claim 1 of the present application thus cannot be regarded as being inventive (PCT Article 33(3)).

2 DEPENDENT CLAIMS 2-5 AND 7-9

The additional features of claims 2 and 3 are likewise known from D2 (figures), and so the requirement for inventive step has not been met for these claims either. Spring-loaded extension mechanisms according to the additional features of claim 4 are likewise known from the prior art (see D1, paragraph [0017]); the use of helical torsion springs for this purpose according to claim 5 is generally known in the art.

Mounting the tray on guide rails according to claims 7 and 8 is known from D2 (figures). The rotatable configuration of the table according to claim 9 is likewise known from D2 (figure 2).